Supreme Court, U.S.
FILED

(1)

No. 931715

NOV 23 1993
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1993

ALEX J. JARMUSIK — PETITIONER

vs.

MERIT SYSTEMS
PROTECTION BOARD — RESPONDENT

Petition for Writ of Certiorari to the
U.S. Court of Appeals for the Federal Circuit

PETITION FOR WRIT OF CERTIORARI

Counsel of Record Alex J. Jarmusik
Petitioner's Address
2016 Margaret Street
Philadelphia, PA 19124
(215) 288-5797

52 pp

Question 1. Why did (HHS) allow fellow employees to threaten my person, while management condoned it, and reversed it to me on their memo's.

Question 2. Why did the U.S. Court of Appeals for the Federal Circuit ignore the Amendments to the U.S. Constitution.

Question 3. What are my rights as a U.S. Citizen.

Question 4. What is the court system for.

List of parties are as follows:

Alexander Jarmusik, Counsel for the Record
2016 Margaret Street
Philadelphia, PA 19124 Phone No.(215)288-5797

Thomas K. Muldowney Agency, Representative
Social Security Administration MATPSC
300 Spring Garden Street, Philadelphia, PA
19123. 7th Floor. Phone No. (215) 597-9361

Marjorie Marks, U.S. Office of Personnel
Management, Employee Relations Division, 1900
E. Street, N.W., Room 7412, Washington, D.C.
20415 Phone No. not known.

Merit Systems Protection Board, Philadelphia
Regional 2nd and Chestnut Streets, Room 501,
Philadelphia, PA 19106.

U.S. Court of Appeals for the Federal Circuit
ATTN: Clerk-of-Court, 717 Madison Place N.W.,
Washington D.C. 20439.

Office of Special Counsel, 1730 M. St., N.W.,
Suite 300, Washington, D.C. 20036-4505.

David M. Cohen, Department of Justice
Washington, D.C. 20530.

Date of Postage
Nov. 19, 1993

TABLE OF CONTENTS

1. - The Writ:

Documents Petition for the Writ, and Notices.

Certificate of Service - DN. PH0752920591-I-1

Date of Filing 11/19/93

Postage Date 11/19/93

a - Four questions presented for review

b - Parties listed to the court proceeding in the court whose judgment is sought to be reviewed. Date of Entry of judgment to be reviewed.

c - Table of Authorities - Table of Contents

d - Reference to official and unofficial reports of opinions delivered in the agencies, case by other courts or administrative agencies.

e - Statement on the grounds on which the jurisdiction of the court is involved.

(i) Jurisdiction of the United States Supreme Court, Constitutional Law's involved in this case.

(iv) Treaties, statutes, or ordinances and regulations in the case.

f - Statement of the case.

g - Statement of the case and questions presented, and basis for Federal Jurisdiction.

h - Index and reference.

j - The argument for the allowance of the writ.

k - "Joint appendix - one appendix - two" Official and Unofficial Documents.

(i) From 12-21-79 to 9-7-93, under (i).

(ii) From 9-29-93 to 3-27-81.

(iii) From 10-22-91 to 11-19-93.

(iv) Judgement U.S. Court of appeals dated October Term 1993 Case No. PH0752920591-I-1

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

APPENDIX

A1 - Judgement U.S. Court of Appeals document dated 10-6-93. October Term 1993, DOF 11-19-93.

A2 - Congressional Assistance, Date of Memo 12-21-79. DOF-11-19-93, October Term 1993.

A3 - A2 - Form 283, Submitted to Merit Systems Protection Board, Filed 8/14/93. October term 1993 DOF 11-19-93.

A4 - Page 3
Status conference with U.S. Merit Systems Protection Board Phila. Regional Office dated 10-29-92. October term 1993, DOF 11-1993.

A5 - Page 4
Order U.S. Court of Appeals for the Federal Circuit - Dated 9-29-93. October Term 1993 DOF 11-19-93.

A6 - Page 5
Judgement issued as a mandate, dated 10-6-93 October Term 1993. DOF 11-19-93.

A7 - Page 7
Request Congressional Assistance From Congressman Borski, October 22, 1991. October Term 1993, DOF-11-19-93.

Official and Unofficial Documents.

Official Caption Revised 4-19-93. October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

1 - Unofficial Memo 12-21-79.

October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

2 - Unofficial Memo 8-14-93 Submitted to Merit Board on Form 283. October Term 1993. Case No. PH0752920591-I-1

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

3 - Official Document 2-7-91. HHS Memo SSA MATPSC 300 Spring Garden St. Phila, PA

4 - Official Document Docket No. PH0752920591-I-1 10-29-92. October Term 1993 DOF 11-19-93.

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

6 - Official Document October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

7 - Official Document Dated 9-29-93. October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

8 - Official Document Mandate 10-6-93. October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

9 - Official Document 10 year Certificate (HHS) presented by Mattie Smith in MOD 20 MATPSC 3-27-81. October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

10 - Official Document 10-20-91. Congressman Borski - Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

11 - Official Document 6-9-67 - H.S. Diploma. October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

12 - Official Document - Discharge Certificate Dated 5-11-72. October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

13 - Official Document - Dated Nov. 19, 1993 Certificate of Service. Submitted to clerk of the court-excluded from this petition. October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

14 - Judgment U.S. Court of Appeals Official Document. October Term 1993. Case No. PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

Statement of Jurisdiction and Case

What better court is there in this U.S. than the U.S. Supreme Court. I know they are able to deal with Amendments 1-P-194-5-P-195-9-196 (15-P-198-section-1-P-199-section-1-P-199)

(Amendment 15-P-199-section 1-P-199)

(Articles 3-P-189-section 2-P-189)

(Article 6-P-192-number-2-P-192)

The Smith Act of 1940, as cited by text P-194 (make false statements malicious remarks P-194.

(9-7-93) Judgment in review U.S. Court of Appeals

Title - Rise of the American Nation

Copyright 1964, 1961, 1950 Harcourt Brace and World Inc.

Authors Lewis-Paul-Todd Merle Courti-John-T-Farrell.

I believe that the facts contained forthwith are in the jurisdiction of the U.S. Supreme Court.

Statement on grounds on which the jurisdiction of this court is involved.

My contention that MATPSC Philadelphia, PA, 300 Spring Garden Street 19103, did violate my constitutional rights, and are in direct violation of the U.S. Constitution, and the U.S. Court of appeals was remiss to ignore this gross injustice. I feel that the only court that can review this case, based on the Constitution, is the U.S. Supreme Court.

The constitutional provision, treaties, statutes, ordinances and regulations involved in the case are the following amendments to the U.S. Constitution (1)

Page 194-(5)

Page 195-(9)-Page 196-(14)

Page 198-section (1)-Page 198-section (5)-Page 199)

(Amendment (15)-Page 199 - section (1)-P-199)

(Article (3)-Page 189 - section (2) - P-189)

(Article (6)-P-192-number (2)-P-192)

The Smith Act of 1940, as cited by Text P-194 (make false statements malicious remarks P-194.

Title - Rise of the American Nation

Copyright 1964, 1961, 1950 Harcourt Brace and World Inc.

Authors - Lewis-Paul- Todd Merle Curti-John-T-Farrell

Statement of the case. Denial of my Petition would defeat the word purpose and meaning of the U.S. Constitution, and would for future generations deny them their rights, as free people of these United States. Question - (1) Why did (HHS) allow fellow employees to threaten my person, while management ignored it.
Question (2) Why did the U.S. Court of Appeals ignore the Amendments to the U.S. Constitution.
Question 3 - What are my rights as a U.S. citizen.
Question 4 - What is the court system for.
Statement of jurisdiction - what better court is there in the U.S. then the U.S. Supreme Court, I know they are able to deal with amendments 1, 5, 9, 14 - section 1 and 5. Amendment 15-section 1, Article 3 - section 2, Article 6, number 2. Also the Smith Act of 1940 (False and Malicious Slander). Judgment Dated 9-7-93 of the U.S. Court of Appeals for the Federal Circuit.

Statement of the Case and Questions

Denial of my Petition would defeat the word purpose and meaning of the U.S. Constitution, and would for future generations deny them their rights as free people of these United States.

Question 1 - Why did (HHS) MATPSC allow fellow employees to threaten my person, while management condoned it, and reversed it to me on their memos.

Question 2 - Why did the U.S. Court of Appeals for the Federal Circuit ignore the Amendments to the U.S. Constitution.

Question 3 - What are my rights as a U.S. Citizen.

Question 4 - What is the court system for.

Index and Reference

1 - Petition for writ - page 1. Writ

A - Questions for review. (A)

Date of memo Nov. 19, 1993

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

B - List of parties to the proceeding in court.

Date of postage Nov. 19, 1993 (B).

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

C - Table of authorities. (C). Date Nov. 19, 1993

D - Official and unofficial reports delivered in the agencies, case of opinions by other courts.

Official Caption Revised - 10-30-92

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Unofficial Memo - 12-21-79

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Official Document Petition for Rehearing

(9-7-93). October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Official Document - 2-7-91

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Official Document Nov. 19, 1993

Official Document - Case No.

PH0752920591-I-1 October Term 1993 DOF-

11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Dated 10-29-92

Official Document - Case No. 93-3232

October Term 1993

Date - 9-7-93.

Official Document - Dated 9-29-93

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Official Document - Mandate 10-6-93.

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Official Document - 10 yr. Certificate

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

(HHS) presented by Mattie Smith In Mod.

20 MATPSC - 3-27-81.

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Official Document Oct. 22, 1991

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Official Document - 6-9-67- H.S. Diploma

October Term 1993. Case No.

PH0752920591-I-1 DOF-11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board,

Respondent

Argument for Allowance of the Writ

The reason I feel the writ should be allowed is to clear this matter up, of my rights in the U.S.A. and to restore me to active GS or Federal Status effective 10-10-91 with retropay so I can resume to serve my country the way I have in the past two decades.

Thank you,

Alexander J. Jarmusik

With highest respect to
the
U.S. Supreme Court Nov 19, 1993

cc: Alex J. Jarmusik
David M. Cohen, Department of Justice,
Washington, DC 20530
Clerk, Merit Systems Protection Board,
Washington, DC 20419
Solicitor General Department of Justice
Washington, DC 20530

"Joint Appendix-One-and-Two"

(i) - Unofficial Memo 12-21-79. Congressman Dougherty Case No. PH0752920591-I-1. October Term 1993 DOF 11-19-93 Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

- Unofficial Memo 8-14-93. Submitted to Merit Board on Form 283. U.S. Customs House Merit Board Case No. PH0752920591-I-1. October Term 1993 DOF 11-19-93 Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

- Official Document 2-7-91. Memo (HHS) Case No. PH0752920591-I-1. October Term 1993 DOF 11-19-93 Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

- Official Document Docket No. PH0752920591-I-1 10-29-92. U.S.A. Merit Systems Protection Board Phila. Regional Office. Status Conference. October Term 1993

DOF 11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

- Official Document Case No. 93-3233 Term October Term 1993. U.S. Court of Appeals for the Federal Circuit. Judgement, Case No. PH0752920591-I-1. October Term 1993 DOF 11-19-93.

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

(ii) - Official Document Dated 9-29-93. Order U.S. Court of Appeals Case No. PH0752920591-I-1. October Term 1993 DOF 11-19-93.

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

- Official Document Mandate 10-6-93. Judgement issued as a Mandate. 10-6-93. Case No. PH0752920591-I-1. October Term 1993 DOF 11-19-93.

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

- Official Document 10 year Certificate (HHS) presented by Mattie Smith in MOD 20 MATPSC 3-27-81. (HHS) 10 yr. Employment-Certificate. Case No. PH0752920591-I-1. October Term 1993 - DOF 11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

(iii)- Official Document Dated Oct. 22 1991. Congressman Borski, Case No. PH0752920591-I-1. October Term 1993 - DOF 11-19-93.

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

- Official Document 6-9-67 - H.S. Diploma. DOF 11-19-93. Case No. PH0752920591-I-1. October Term 1993 - DOF 11-19-93.

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

- Official Document - Discharge Certificate Dated 5-11-72. U.S.N. Case No. PH0752920591-I-1. October Term 1993.

DOF 11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

- Official Document - Dated Nov. 19, 1993.

DOF 11-19-93

Certificate of Service. Case No.

PH0752920591-I-1. October Term 1993.

DOF 11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

(iv) - Judgment U.S. Court of Appeals Official

Document Dated 9-7-93. Case No.

PH0752920591-I-1. October Term 1993.

DOF 11-19-93

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

APPENDIX

A1 - Judgement U.S. Court of Appeals document dated 10-6-93. October Term 1993, DOF 11-19-93.

A2 - Congressional Assistance, Date of Memo 12-21-79. DOF-11-19-93, October Term 1993.

A3 - Page 2
HHS Memorandum Received from SSA as an Employee dated 2-7-91. October term 1993, DOF 11-19-93.

A4 - Page 3
Status conference with U.S. Merit Systems Protection Board Phila. Regional Office dated 10-29-92. October term 1993, DOF 11-1993.

A5 - Page 4
Order U.S. Court of Appeals for the Federal Circuit - Dated 9-29-93. October Term 1993 DOF 11-19-93.

A6 - Page 5
Judgement issued as a mandate, dated 10-6-93 October Term 1993. DOF 11-19-93.

A7 - Page 7
Request Congressional Assistance From Congressman Borski, October 22, 1991. October Term 1993, DOF-11-19-93.

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

-Official Document Case No. 93-3233 Term

October Term 1993. U.S. Court of Appeals

for the Federal Circuit. Judgement, Case

No. PH075220591-I-1. October Term 1993

Mandated dated October 6, 1993

DOF 11-19-93.

Petition for Writ of Certiorari

Brief for the Petitioner

"Joint Appendix"

Alexander J. Jarmusik

Mr. Thomas K. Muldowney
Social Security Administration
Mid-Atlantic Program Service Center
300 Spring Garden Street
7th Floor
Philadelphia, PA 19123

Marjorie Marks
U.S. Office of Personnel Management
Employee Relations Division
1900 "E" Street, N.W., Room 7412
Washington, DC 20415

U.S. MERIT SYSTEMS PROTECTION BOARD
Clerk of the Board
1120 Vermont Ave.
Room 806
Washington, D.C.

U.S. SUPREME COURT OF
THE U.S. OFFICE OF THE CLERK
Washington, D.C. 20543-0001

Office of Special Counsel
1730 M St., N.W. Suite 300
Washington, D.C. 20036-4505

David M. Cohen, Department of Justice
Washington, D.C. 20530

Solicitor General, Department of Justice
Washington, D.C. 20530

Counsel of Record

Alexander J. Jarmusik

2016 Margaret Street

Philadelphia, PA 19124

(215) 288-5797

APPENDIX.TAB A1

United States Court of Appeals for the Federal Circuit

93-3232

ALEX J. JARMUSIK,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Judgment

ON APPEAL from the MERIT SYSTEMS PROTECTION BOARD

in CASE NO(S.) PH0752920591-I-1

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

AFFIRMED

ENTERED BY ORDER OF THE COURT

DATED SEP 07 1993

Francis X. Gindhart, Clerk

ISSUED AS A MANDATE: October 6, 1993

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Unofficial Memo 12-21-79. Congressman

Dougherty Case No. PH0752920591-I-1.

October Term 1993 DOF 11-19-93.

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Washington, D.C. 20530

Counsel of Record

Alexander J. Jarmusik

2016 Margaret Street

Philadelphia, PA 19124

(215) 288-5797

CHARLES F. DOUGHERTY
4TH DISTRICT, PENNSYLVANIA

Congress of the United States
House of Representatives
Washington, D.C. 20515

DISTRICT OFFICES:
6800 RISING SUN AVENUE
PHILADELPHIA, PENNSYLVANIA 19111
(215) 742-4479

7174 OGONTZ AVENUE
PHILADELPHIA, PENNSYLVANIA 19138
(215) 927-5588

December 21, 1979

Mr. Alexander J. Jarmusik
2016 Margaret Street
Philadelphia, PA 19128

Dear Mr. Jarmusik:

I have been advised by Social Security Administration the good news that you are scheduled to report for work January 14, 1980.

I know that this has been a long and exhausting, as well as exasperating, experience for you and I am happy that it finally worked out in your favor.

It was my pleasure to be able to help and I hope you will always feel free to call on me regarding any matter of concern to you.

Sincerely,

CHARLES F. DOUGHERTY
Member of Congress

CFD:AT:pm

BEST AVAILABLE COPY

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

-Official Document 2-7-91. Memo (HHS) Case No. PH0752920591-I-1. October Term 1993

DOF 11-19-93

Petition for Writ of Certiorari

Brief for the Petitioner

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Alexander J. Jarmusik

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Solicitor General, Department of Justice
Washington, D.C. 20530

Counsel of Record

Alexander J. Jarmusik

2016 Margaret Street

Philadelphia, PA 19124

(215) 288-5797

DEPARTMENT OF HEALTH & HUMAN SERVICES
Social Security Administration

Refer to:

Mid-Atlantic
Program Service Center
300 Spring Garden Street
Philadelphia, PA 19123

February 7, 1991

Mr. Alexander Jarmusik
2016 Margaret Street
Philadelphia, PA 19124

Dear Mr. Jarmusik:

This is notice that I propose to have you suspended for a period of five (5) calendar days from your position of Social Insurance Claims Examiner (Retirement), Benefit Authorizer, GS-993-8, in Process Module 25, no earlier than fifteen (15) days from the date of this notice. The reason for this proposal is your conduct unbecoming a Federal employee, specifically; (1) sexual harassment; (2) use of profane language; and (3) disrespect for management authority. The basis for this proposal is set forth below, specifically and detail:

1. On Thursday, December 20, 1990, Ms. Cheryl Ciamaichela (nee Taylor), a Benefit Authorizer in Module 20, registered a complaint with her manager about receiving an unwelcome Christmas card. The card was addressed to Cheryl Taylor and was delivered by a co-worker, Ms. Beverly Wilmer. Ms. Wilmer indicated that she was delivering the card as a favor to you. The card was signed, "You know who. PS I know you're a woman. Oh see, here some money honey. I remember."(sic) Enclosed was one dollar and five cents ($1.05).

2. Ms. Ciamaichela reported this incident to her manager, Mr. Ed Martin, on December 21, 1990. Mr. Martin immediately contacted your manager, then Mr. Myron Shegda, to relate the incident described above. Mr Shegda then met with you and your representative, Mr. Archie Wilmer, with the intention of discussing the incident. You opened the conversation by stating, "I sent her a lousy Christmas card. It was a goodwill gesture to get

BEST AVAILABLE COPY

her to stop calling me a drunken bum in the stairwell." Mr. Shegda then informed you that Ms. Ciamaichela considers your contact with her to be unwelcome. He reminded you that you had previously been directed to refrain from having any contact with Ms. Ciamaichela and that your recent contact constitutes sexual harassment. Mr. Shegda added that he would initiate disciplinary action in response to this incident.

3. On Thursday, January 3, 1990, Mr. Shegda met with you and your representative, Mr. Wilmer, with the purpose of providing you with a memo regarding your meeting of

Additional pages have been deleted.

Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

-Official Document Docket No. PH0752920591-

I-1 10-29-92. U.S.A. Merit Systems

Protection Board Phila. Regional Office.

Status Conference. October Term 1993

DOF 11-19-93

Petition for Writ of Certiorari

Brief for the Petitioner

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Alexander J. Jarmusik

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Philadelphia, PA 19124

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UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
PHILADELPHIA REGIONAL OFFICE

ALEX J. JARMUSIK, III Appellant, v. DEPARTMENT OF HEALTH AND HUMAN SERVICES, Agency.	)	DOCKET NUMBER PH0752920591-I-1 Date: Oct 29 1992

MEMORANDUM OF STATUS CONFERENCE

On September 4, 1992, I conducted a status conference concerning the above captioned appeal. The appellant represented himself, and the agency was represented by Thomas K. Muldowney. The main issue discussed was whether the instant appeal should be dismissed as being untimely filed. I reiterated what I had previously indicated in a Show Cause Order, i.e., that the regulations of the Merit Systems Protection Board, specifically 5 C.F.R. { 1201.22(b) (1992), required that appeals be filed within twenty calendar days after the effective date of the action appealed. I further noted that the action which the appellant was seeking to appeal had been effected on January 9, 1992, and therefore, the appeal, in order to have been considered timely, should have been filed by January 29, 1992.

The appellant repeated the reasons for the untimely filing which he had given in his written reply to the Show Cause Order, i.e., that he had a difficult marriage, that he had been in a number of conflicts with management, and that he did not believe he had a chance to win.

I advised the appellant that if he had medical evidence of his alleged incapacity he should file it with the Board. I indicated that a belief that it was futile to file would probably not excuse an untimely filing.

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At this point, I concluded the conference.

If either of the parties has any comments, additions or corrections with respect to how I have summarized the conference, they must submit them within 10 days of the date of this ORDER.

FOR THE BOARD:

Terrence M. McStravick
Administrative Judge

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document(s) was sent by regular mail this date to each of the following:

Appellant

Alex J. Jarmusik
2016 Margaret Street
Philadelphia, PA 19124

Appellant's Representative

Agency's Representative

Department of Health & Human Services
Social Security Administration
Mid-Atlantic Program Service Center
ATTN: Thomas K. Muldowney
Labor Relations Specialist
300 Spring Garden Street, 7th Floor
Philadelphia, PA 19123

Oct 29, 1992
(Date)

Merna Yadevia, Legal Technician

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Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

-Official Document Dated 9-29-93. Order

U.S. Court of Appeals Case No.

PH0752920591-I-1. October Term 1993 DOF

11-19-93.

Petition for Writ of Certiorari

Brief for the Petitioner

"Joint Appendix"

Alexander J. Jarmusik

Mr. Thomas K. Muldowney
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7th Floor
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Marjorie Marks
U.S. Office of Personnel Management
Employee Relations Division
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U.S. SUPREME COURT OF
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Washington, D.C. 20543-0001

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Solicitor General, Department of Justice
Washington, D.C. 20530

Counsel of Record

Alexander J. Jarmusik

2016 Margaret Street

Philadelphia, PA 19124

(215) 288-5797

ORDER

efore LOURIE, Circuit Judge, RADER, Circuit Judge, and OODS, District Judge.

A petition for rehearing having been filed by the PETITIONER, UPON CONSIDERATION THEREOF, it is ORDERED that the petition for rehearing be, and the same hereby is, DENIED.

The mandate will issue October 6, 1993.

FOR THE COURT,
FRANCIS X. GINDHART, CLERK

ated: September 29, 1993 by_____
Diane M. Frye
Chief Deputy Clerk

c: ALEX J. JARMUSIK
ANITA K. MARSHALL

FILED
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT
SEP 29, 1993

FRANCIS X. GINDHART
CLERK

ARMUSIK V. MSPB, 93-3232
MSPB - PH0752920591I-1)

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*
* Note: Pursuant to Fed. Cir. R. 47.6, this order is *
* not citable as precedent. It is a public record. *
*
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Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

Official Document Mandate 10-6-93.

Judgement issued as a Mandate. 10-6-93.

Case No. PH0752920591-I-1. October Term

1993 DOF 11-19-93.

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United States Court of Appeals for the Federal Circuit

93-3232

ALEX J. JARMUSIK,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Judgment

N APPEAL from the MERIT SYSTEMS PROTECTION BOARD

n CASE NO(S.) PH0752920591-I-1

his CAUSE having been heard and considered, it is

RDERED and ADJUDGED:

AFFIRMED

ENTERED BY ORDER OF THE COURT

ATED SEP 07 1993

Francis X. Gindhart, Clerk

SSUED AS A MANDATE: October 6, 1993

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Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

-Official Document Dated Oct. 22 1991.

Congressman Borski, Case No.

PH0752920591-I-1. October Term 1993 - DOF

11-19-93.

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Brief for the Petitioner

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PHILADELPHIA, PA 19135
(215) 335-3355
FAX (215) 333-4508

Congress of the United States
House of Representatives
Washington, DC 20515

October 22, 1991

Mr. Alexander Jarmusik
2016 Margaret St.
Philadelphia, PA 19124

Dear Mr. Jarmusik:

In response to your recent request for assistance, I have contacted the proper authorities on your behalf and will keep you apprised of any and all developments as they are made known to me.

If you have any questions or need additional information, please contact Anna Marie Moore, my congressional aide, who has been assigned to monitor this matter on your behalf. Mrs. Moore can be reached in my district office at 335-3355.

Thank you for bringing this matter to my attention.

Sincerely,

Robert A. Borski
Member of Congress

RAB:amm

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Title Alex J. Jarmusik, Petitioner

v.

Merit Systems Protection Board, Respondent

-Official Document - Dated Nov. 19, 1993.

DOF 11-19-93

Certificate of Service. Case No.

PH0752920591-I-1. October Term 1993.

DOF 11-19-93

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